



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1996

Ms. Helen M. Gros
Senior Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-1114

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 24606.

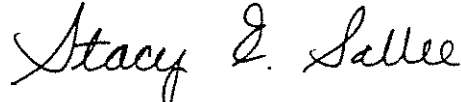
The City of Houston Police Department received two requests for certain information relating to the shooting death of Andrew de Vries. You claim that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code.

On June 14, 1996, the Texas Supreme Court ruled that prosecutors may withhold from disclosure information relating to criminal investigations regardless of whether the investigation is active or closed. *Holmes v. Morales*, No. 95-1251, slip op. (Tex. June 14, 1996). As the requested records relate to a criminal investigation, the city may withhold the requested records under section 552.108. We note, however, that section 552.108 is discretionary and may be waived by the city for information that is not otherwise confidential.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref: ID# 24606

Enclosures: Submitted documents

cc: Mr. Windle Turley
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